

**Concise Explanatory Statement**  
***for amendments to***  
**Chapter 16-470 WAC**  
**Quarantine – Agricultural Pests**  
**(Apple Maggot & Plum Curculio Quarantine)**

On June 8, 2006, the Washington State Department of Agriculture held a hearing in Yakima to accept testimony on its proposal to amend WAC 16-470-101, 105 and 111. The proposal amends the apple maggot and plum curculio quarantine by:

- 1) Expanding the boundaries of the existing area under apple maggot quarantine in Yakima County;
- 2) Excluding commercial cherries from commodities regulated for apple maggot; and
- 3) Modifying the current language to increase its clarity and readability.

**Reasons for Adopting the Rule:**

The apple maggot is an insect native to eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. Since 1980, the Washington State Dept. of Agriculture (WSDA) has conducted annual surveys for apple maggot. During this past summer (2005), WSDA identified several apple maggots originating from multiple sites in Yakima County. Consistent with the recommendations of the Apple Maggot Working Group, this proposal amends WAC 16-470-105 by adding a larger portion of Yakima County to the existing apple maggot quarantine area. In addition, it amends WAC 16-470-111 by excluding commercial cherries from the commodities regulated for apple maggot, and modifies the current language in WAC 16-470-101, 105, and 111 to increase its clarity, readability, and conformity to current industry practices and standards.

Amending the current apple maggot quarantine is necessary to protect the environmental quality and agricultural crops of the state. Failure to adopt the proposed amendments would jeopardize foreign and domestic markets for Washington apples.

An implementation date of August 1, 2006 was adopted.

**Summary of Comments:**

The public comment period ran from April 19, 2006 until close of business on June 8, 2006. During that time, one written comment and no oral comments were received.

***The following summarizes the written testimony regarding the proposed amendments:***

**Miles Kohl** – representing the Yakima Valley Growers-Shippers Association **supports** the proposal. Stated the Association “...supports the expansion of the proposed apple maggot quarantine for Yakima County...” Mr. Kohl’s support is based on several assumptions, including that WSDA will follow Option A of the proposed 2006 apple

maggot survey as presented to the Apple Maggot Working Group and that commercial orchards in Yakima County, but outside the expanded quarantine area, will not be impacted in any way by the expansion of the quarantine area. He also requests a partnership between WSDA, the Governor's Office, and industry to address unmanaged riparian areas within Eastern Washington that he believes potentially contribute to an increased apple maggot population.

*Response:* WSDA has agreed to implement the elements of Option A as proposed in the 2006 apple maggot survey with modifications as needed. However, the current level of fee-based income for the program cannot support this level of service, particularly in future years. This funding issue is beyond the scope of these rules and is being addressed in other forums in conjunction with the industry. With regard to other issues incorporated as assumptions in Mr. Kohl's testimony – for instance, protocols for fruit inspection, orchards outside the quarantine area and packing facilities within the quarantine area, WSDA is not in a position to verify whether or not there may be impacts or changes related to these amendments to the rule. We know of none at this time, but factors such as international/interstate trade restrictions and market demands are beyond the scope of WSDA authority. Similarly, management of vegetation in riparian areas is also beyond the scope of these rules.

**Difference Between Proposed Text and Published Text:**

There are no differences between the text of the proposed rule as published in the register and the text of the rule as adopted. The rule is adopted as proposed.